
MEASURE S

PROPOSAL TO AUTHORIZE NEWCASTLE FIRE PROTECTION DISTRICT TO EXCEED APPROPRIATIONS LIMITATION

Shall Measure S which authorizes the Newcastle Fire Protection District to continue to exceed the appropriations limitation imposed by Article XIII B of the California Constitution for a period of four (4) years be approved?

YES _____ NO _____

IMPARTIAL ANALYSIS BY PLACER COUNTY COUNSEL

The Newcastle Fire Protection District currently collects a special tax. The District is proposing an amendment to the special tax affecting businesses only on this ballot.

Article 13A of the California Constitution, passed by the electorate in 1978 as Proposition 13, requires approval by the electorate to levy special taxes. If such taxes are approved by the voters and are collected, Article 13B requires a majority vote by the electorate to spend any such revenues in excess of the district appropriations limit. This voter approval is only valid for four years, then the District must return to the voters to seek approval to spend the previously approved tax for another four years.

The voters in this District have previously approved the special tax that the District is seeking to amend in this election. At that time, the voters also approved the expenditure of such revenues in excess of the district appropriations limit. Four years have passed, and regardless of the outcome of this election on the amendment of the special tax, the District requires approval of Measure S to spend the revenues collected by the special tax previously approved by the voters.

This is because collection of the already approved special tax would result in the District collecting proceeds of taxes in excess of the constitutionally authorized spending limitation for the four-year period beginning fiscal year 2005-2006.

A "Yes" vote is a vote to authorize an increase in the appropriations limit for the four (4) year period commencing fiscal year 2005-2006, in order that the District may spend revenue raised by taxes approved previously by the voters in excess of its appropriations limit.

A "No" vote will prohibit the District from spending revenues derived from the previously voter-approved special tax that exceed its appropriations limit.

Anthony J. La Bouff
County Counsel

By: Sabrina M. Thompson
Deputy County Counsel

<p>NO ARGUMENTS IN FAVOR OR AGAINST MEASURE S WERE SUBMITTED</p>

RESOLUTION No. 0625-04B (NEWCASTLE A)

MEASURE OF THE BOARD OF DIRECTORS OF THE NEWCASTLE FIRE PROTECTION DISTRICT TO AUTHORIZE THE DISTRICT TO CONTINUE TO EXCEED THE APPROPRIATIONS LIMITATION AS IMPOSED UPON THE DISTRICT BY ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION IN AN AMOUNT EQUAL TO THE REVENUE PRODUCED BY THE SPECIAL TAX FOR THE DISTRICT AS APPROVED BY THE VOTERS.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NEWCASTLE FIRE PROTECTION DISTRICT AS FOLLOWS:

Section I. On June 3, 1997 the voters of the Newcastle Fire Protection District enacted a special tax designed to increase the funds available to the Fire District in the exercise of its duties to provide fire protection and prevention and emergency aid to all areas within the District.

Section II. At the same election the voters also approved a waiver of the limitations imposed by Article XIII B of the California Constitution on the appropriations of tax revenue expenditures for a fiscal year so that the funds received pursuant to the Special Tax could be spent by the District.

Section III. This waiver was limited by law and must be renewed every four (4) years.

Section IV. Therefore, this ordinance, upon approval of the voters voting upon the Ordinance at the election held on Nov. 2, 2004, shall take effect immediately for the fiscal year 2004-2005, and shall authorize the District to exceed its appropriations limitation only to the extent of the revenues as authorized by the term of the Special Tax as approved by the voters for a period not to exceed four (4) years.

Section V. Pursuant to the requirements of the laws of the State of California relating to district elections, there shall be, and there is hereby called and ordered held in the Newcastle Fire Protection District, County of Placer, State of California, on Tuesday November 2, 2004 a vote by the qualified voters of the District for the purpose of approving this Ordinance to authorize the District to exceed its appropriations limitation as set forth above.

Section VI. At the election there shall be submitted to the qualified voters residing within the boundaries of the district the following proposition:

Shall Measure S which authorizes the Newcastle Fire Protection District to continue to exceed the appropriations limitation imposed by Article XIII B of the California Constitution for a period of four (4) years be approved?

Section VII. In all particulars not recited in this Ordinance, said election shall be held and conducted as provided for by law for the holding of district elections within the District.

Section VIII. The Secretary of the District is hereby ordered and directed to cause a copy of this Measure to be published in the Auburn Journal, a newspaper of general circulation within the District once in accordance with Section 6061 of the Government Code of the State of California.

Section IX. This Measure shall be effective upon publication pursuant to Section VIII, and authority to exceed the appropriations limitation shall take effect as provided in Section IV.

Section X. If any section, subsection, sentence, phrase or clause of this Measure is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this Measure. The people of the Newcastle Fire Protection District hereby declare that they would have adopted this Measure and each section, subsection, sentence, phrase or clause thereof regardless of the fact that any one or more sections, subsections, sentences, phrases or clauses be declared invalid.

Passed and adopted this 25th day of June, 2004 by the following roll call vote:

Anderson	<u>Absent</u>
Fawx	<u>Aye</u>
Stenzel	<u>Aye</u>
Drake	<u>Aye</u>
Calkins	<u>Absent</u>

William Fawx, Vice Chair

Attest: Sharon Vega, Secretary